

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Oct 30, 2024**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

TOBIE DYER-THEIS,

Plaintiff,

v.

PEND OREILLE COUNTY PUBLIC

HOSPITAL DISTRICT NO. 1 d/b/a

NEWPORT COMMUNITY HOSPITAL;

JONATHAN LUEDERS; NATHANIAL

LILYA, and UNKNOWN JANE or JOHN

DOES,

Defendants.

NO. 2:24-CV-00002-SAB

**STIPULATED PROTECTIVE  
ORDER**

Before the Court is the parties' Stipulated Motion Regarding Protective Order, ECF No. 17. The motion was heard without oral argument. Plaintiff is represented by Robert N. Gellatly, Mark D. Kamitomo, and John A. Gellatly. Defendants are represented by Markus Louvier and Abby Miller.

The parties ask the Court to enter a Protective Order that covers protected health information. Good cause exists to grant the motion.

Accordingly, **IT IS ORDERED:**

1. The parties' Stipulated Motion Regarding Protective Order, ECF No. 17, is **GRANTED**.

**STIPULATED PROTECTIVE ORDER ~ 1**

1           2. Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, privacy  
2 regulations adopted pursuant to the Health Insurance Portability and  
3 Accountability Act, 45 C.F.R. §164.512(e)(1), and the Washington Health Care  
4 Information Act, Wash. Rev. Code ch. 70.02, the Court enters the following  
5 Qualified Protective order:

- 6           1) The parties and their attorneys, and any future parties and their  
7 attorneys, in the above-captioned litigation are hereby authorized to  
8 receive, subpoena and transmit “protected health information”  
9 pertaining to Plaintiff to the extent and subject to the conditions  
10 outlined herein. This protective order applies to all records, including  
11 those previously produced by Plaintiff or otherwise obtained by  
12 Defendant(s).
- 13           2) For the purposes of this qualified protective order, “protected health  
14 information” shall have the same scope and definition as set forth in 45  
15 C.F.R. §§160.103 and 164.501 and Wash. Rev. Code §70.02.010(17).  
16 Protected health information includes, but is not limited to, health  
17 information, including demographic information relating to either: (a)  
18 the past, present, or future physical or mental condition of an  
19 individual; (b) the provision of care to an individual; or (c) the  
20 payment for care provided to an individual, which identifies the  
21 individual or which reasonably could be expected to identify the  
22 individual.
- 23           3) The parties and their attorneys shall be permitted to use or disclose the  
24 protected health information of Plaintiff for purposes of prosecuting or  
25 defending this action, including any appeals of this case. This includes,  
26 but is not necessarily limited to, disclosure to their attorneys, experts,  
27 consultants, court personnel, court reporters, copy services, trial  
28 consultants, and other entities or persons involved in the litigation  
process.
- 4) Prior to disclosing Plaintiff’s protected health information to persons  
involved in this litigation, counsel shall inform each such person that  
Plaintiff’s protected health information may not be used or disclosed  
for any purpose other than this litigation and provide a copy of this  
order. For protected health information disclosed prior to execution of  
this order, counsel shall inform each person who has received the

1 information that this order applies to that information and provide a  
2 copy of the order to each such person. Counsel and all persons  
3 receiving protected health information prior to this order shall not be  
4 deemed in violation of the order for having provided and receiving  
such information before the order was executed.

5 Counsel shall take all other reasonable steps to ensure that persons  
6 receiving Plaintiff's protected health information do not use or disclose  
7 such information for any purpose other than this litigation.

8 5) Within 45 days after the conclusion of the litigation, including appeals,  
9 the parties, their attorneys, and any person or entity in possession of  
10 protected health information received from counsel pursuant to  
11 paragraph four of this Order, shall return Plaintiff's protected health  
12 information to the covered entity or destroy any and all copies of  
13 protected health information pertaining to Plaintiff, except that one  
copy may be maintained in the attorneys' file and counsel are not  
required to secure the return or destruction of protected health  
information submitted to the court.

14 6) Nothing in this Order authorizes counsel for Defendant(s) to obtain  
15 medical records or information through means other than formal  
16 discovery requests, subpoenas, depositions, pursuant to a patient  
17 authorization. Defendants shall not engage in direct or indirect (e.g.,  
18 through counsel, adjusters, or risk managers) ex parte contact with  
19 Plaintiff's current or former treating health care providers, including  
Heather Sly-Haley and Allies in Hope Counseling, LLC.

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1 7) This Order does not authorize either party to seal court filings or court  
2 proceedings. The Court will make a good cause determination for  
3 filing under seal if and when the parties seek to file Plaintiff's  
4 protected health information.

5 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter  
6 this Order and to provide copies to counsel.

7 **DATED** this 30th day of October 2024.



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12 Stanley A. Bastian  
13 Chief United States District Judge  
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